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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,429	03/01/2004	Alan Sturt	1-74614	9793

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA-FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

EXAMINER

CHENEVERT, PAUL A

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,429

Applicant(s)

STURT, ALAN

Examiner

Paul A. Chenevert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 13-15 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8-12, 16-18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2004 06 07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 1, line 24, "Bluetooth" should be changed to "BLUETOOTH".
 - b. Page 4, line 11, "16" should be changed to "21".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takano et al.

Takano et al. disclose an object holder assembly (1) comprising: a body (2) having an opening formed therein; and a panel (8) movably positioned adjacent said opening for movement between an extended position (Figure 5) and a retracted position (Figure 1), wherein said panel has a slot (8a) formed therein, said slot being configured for receiving an object therein.

4. Claims 1, 13, 14, & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yabuya et al.

Yabuya et al. disclose an object holder assembly (cup holder 10) comprising: a body having an opening (accommodation case 92) formed therein; and a panel (frame plate 1)

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movably positioned adjacent said opening for movement between an extended position and a retracted position, wherein said panel has a slot (cup insertion hole 11) formed therein, said slot being configured for receiving an object (cup 8) therein. In regards to claims 13 & 14, the panel has two slots side by side as can best be seen in Figure 4. In regards to claim 19, the object holder includes a base (cup receiving frame 2) positioned below the panel for vertically supporting a lower portion of an object, and wherein the lower platform is movably mounted in a generally vertical direction relative to the panel.

5. Claims 1, 13, & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kathiria.

Kathiria discloses an object holder assembly (article-carrying tray member 18) comprising: a body having an opening (slot 26) formed therein; and a panel (rectangular member 32) movably positioned adjacent said opening for movement between an extended position and a retracted position, wherein said panel has a slot (bore 20) formed therein, said slot being configured for receiving an object therein. In regards to claims 13 & 15, the panel has two slots positioned one in front of the other.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takano et al. in view of Bridges (U.S. Patent 5,984,156).

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Takano et al. disclose an object holder assembly having a panel with a slot extending over an opening.

However, Takano et al. do not expressly disclose that the object holder assembly includes a plurality of concentric recessed rings on the bottom of the opening.

Bridges discloses an object holder assembly (beverage container holder 10) including concentric recessed rings (base support means 20) as can best be seen in Figure 27.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the an object holder assembly of Takano et al., to employ concentric recessed rings, as taught by Bridges.

The suggestion/motivation for doing so would have been to ensure a secure hold of a beverage container within the opening while the upper portion of the beverage container is supported by the extended panel, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the an object holder assembly by combining concentric recessed rings with the bottom surface of the opening to obtain the invention as specified in claim 7, as taught by the prior references' motivation, and not hindsight from the applicants disclosure.

Allowable Subject Matter

8. Claims 2-6, 8-12, 16-18, & 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not show or make obvious Applicant's plurality of panels having smaller slots, retractable object holder assembly, slidable arm, nor a panel formed with a plurality of strips and having a hole.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kreuze et al., Lange et al., Eguchi, and Laskey teach panels formed with a plurality of strips. Bradley, Anderson et al., Sapien, Evans et al., Dykstra, Bridges, Bruhnke et al., Nishina et al., Kelley, Hikage et al., Osborn, Bong, Ono et al., and Ogura teach solutions for supporting beverage containers of variable sizes.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 703-305-0837. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
Art Unit 3612

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08DEC04



12/9/04

D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600